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" "
UTAH

1917

REVISED, COMPILED AND ARRANGED BY L. L. BAKER, PURSUANT TO A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF OPHIR, AND PUBLISHED BY AUTHORITY OF A RESOLUTION OF THE BOARD OF TRUSTEES PASSED OCTOBER, 1917.

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AN ORDINANCE

REVISING AND COMPILING THE ORDINANCES

OF THE TOWN OF OPHIR, UTAH.

Be it ordained by the Board of Trustees of the Town of Ophir, Utah:

CHAPTER ONE

Section 1. Known as Revised Ordinances. That all ordinances of a general nature now in force in the Town of Ophir, Utah, as revised, compiled and hereinafter set forth in this ordinance containing thirteen chapters, and numbered consecutively in sections from one to one hundred and forty three, inclusive, be and are hereby adopted, passed, published and declared to be the revised ordinances of the Town of Ophir, Utah, and shall be known, designated and referred to as "The Revised Ordinances of Ophir, Utah."

Sec. 2. Repeal of existing ordinances. The ordinances contained in this chapter and the chapters following, in so far as their provisions are the same in effect as those of previously existing ordinances, shall be construed as continuations thereof; but subject to the above limitations and the provisions of the next section, all ordinances and resolutions of the Town of Ophir heretofore in force (except such as are of a private, local or temporary nature, including franchises, grants, dedications and special levies for local assessments), are hereby repealed.

Sec. 3. Effect of repealing ordinance. The repeal of the ordinances as provided in section two shall not revive the ordinances previously repealed nor affect any right which has accrued, any duty imposed, any penalty incurred, nor any action or proceeding commenced under or by virtue of the ordinance repealed nor the tenure of office of any person holding office at the time when they take effect; nor shall the repeal of any ordinance hereby have the effect

of reviving any ordinance theretofore repealed or superseded.

Sec. 4. Rules for construction of ordinances and amendments. On the construction of the Revised Ordinances and all ordinances amendatory thereof the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the board of trustees or repugnant to the context of the ordinance.

The singular number includes the plural.

Words used in the present tense include the future.

Words used in the masculine gender, comprehend, as well, the feminine and neuter.

The word "person" includes bodies politic and corporate, partnerships, associations and companies.

The word "writing" includes printing, writing and typewriting.

The word "street" includes alleys, lanes, courts, boulevards, public ways, public squares, public places, and sidewalks.

The word "owner" applied to a building or land shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of any part of such building or land.

The word "tenant" or "occupant" applied to a building or land shall include any person who occupies the whole or any part of such building or land either alone or with others.

Words prohibiting anything being done, except in accordance with a license or permit or authority from the board of trustees, or an officer, shall be construed as giving the board of trustees or such officer power to license or authorize such thing to be done.

The term "wilfully," when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission refer-

red to; it does not require any intent to violate law, or to injure another, or to acquire any advantage.

The terms, "neglect," "negligence," "negligent" and "negligently" import a want of such attention to the nature or probable consequence of the act or omission as a prudent man ordinarily bestows in acting in his own concerns.

The term "knowingly" imports only a knowledge that the facts exist which bring the act or omission within the provision of the ordinances; it does not require any knowledge of the unlawfulness of such act or omission.

Sec. 5. Penalty for violation of ordinances. When no other penalty is prescribed any person convicted of violating any provision or provisions of any ordinance included in this revised ordinance, or any ordinance hereafter enacted, shall be punished by a fine of not more than fifty dollars, in default of payment of which such person shall be committed to the town jail for the period of not more than thirty days.

Sec. 6. Liability of employers and agents to penalty for violation of ordinance. When the provisions of an ordinance prohibit the commission or omission of an act, not only the persons actually doing the prohibited thing, or omitting the directed act, but also the employer and all persons concerned, or aiding or abetting therein, shall be guilty of the offense described, and liable to the penalty prescribed for the offense.

Sec. 7. The enacting clause. When ordinances effective. Publication. Amendment. The enacting clause of all ordinances hereafter adopted shall be, "Be it ordained by the board of trustees of the Town of Ophir, Utah." All ordinances shall be signed by the president and countersigned by the town clerk and shall be deposited in the office of the town clerk; they shall be published at least once in some newspaper within the town, or posted in three public places therein, and shall go into effect on the twentieth day after its publication or posting, unless it is provided in the ordinance that it shall take effect at an earlier date; provided, that whenever a revision is made and the revised ordinances are published by the authority of the

board of trustees of such town, no further publication shall be deemed necessary. The clerk shall record all ordinances and resolutions passed by the town board in a book kept for that purpose, together with the affidavits of publication of the publisher or his agent, or if posted, with the certificates of the due posting thereof; and said book or a certified copy of the ordinances and resolutions under the seal of the town, shall be received as evidence in all courts and places without further proof, or if printed in a book or pamphlet form by authority of the board of town trustees, they shall be so received; provided, that the board of town trustees may at its option, order that a certified copy of any ordinance be posted in three public places within the town, and when so posted, no further publication shall be deemed necessary. All amendments to any ordinance shall be by re-enactment of the entire ordinance, or section, and not by interlineation.

CHAPTER TWO.

Sec. 8. Seal. The seal hereby adopted and declared to be the corporate seal for the Town of Ophir is described as follows: It shall be one and three-fourths inches in diameter, with the inscription, "Town of Ophir, Utah," around the outer edge, with the words, "Corporate Seal" in the center.

CHAPTER THREE.

Sec. 9. Boundaries. The boundaries of the Town of Ophir are hereby declared to be as follows: Beginning at the Southwest corner of section twenty-three, in township five South, of range four West, Salt Lake Meridian, in the County of Tooele, State of Utah, and thence North 14 degrees 3 minutes East 6,000 feet, North 68 degrees 58 minutes East 1580 feet, South 70 degrees 43 minutes East 5370 feet, South 54 degrees 20 minutes East 3148 feet, South 10 degrees 35 minutes West 1820 feet, South 67 degrees 16 minutes West 8620 feet, North 75 degrees 31 minutes West 182.82 feet, North 12 degrees 37 minutes East 578.16 feet, North 44 degrees 24 minutes East 205 feet to

the Southwest corner of section 25, being portions of sections fourteen, twenty-three and twenty-four in said township and range.

CHAPTER FOUR.

OFFICERS.

Powers, Duties, Bonds and Compensation.

Sec. 10. Elective officers. An election shall be held in the Town of Ophir on the Tuesday next after the first Monday in November, 1917, and biennially thereafter, for the election of a board of five trustees, including a president. Such elections shall be held in accordance with the laws of Utah.

Sec. 11. Appointive officers. The appointive officers of the the town are clerk, marshal, treasurer, attorney, justice of the peace, supervisor of streets, health officer, pound keeper, and such other officers as the board of trustees shall consider necessary for the good order and well being of the town.

Sec. 12. President. It shall be the duty of the president of the board of trustees to preside at all meetings at which he is present; to sign all ordinances passed by the board; to countersign all licenses and other instruments requiring his signature, and perform such other duties as are, or may hereafter be prescribed by law or ordinance. He shall have the casting vote upon all matters when there is an equal division of the other members.

Sec. 13. President pro tem. During the temporary absence or inability of the president, the remaining trustees may appoint one of their number as president pro tem, who, during such absence or inability of the president, shall perform the duties and possess the powers of the president.

Sec. 14. Trustees. It shall be the duty of the board of trustees to attend all meetings of the board, act upon

such committees as they may be assigned, and perform all duties devolving upon them by law or ordinance.

Sec. 15. Duties of clerk. The town clerk shall have the custody of and safely keep the corporate seal, records, plats, books and papers belonging to the town. He shall attend all meetings of the board and record all its proceedings; he shall audit all accounts allowed by the board, and file all claims presented against the town; he shall annually make and keep posted in his office a statement showing the financial condition of the town, including all receipts and disbursements, debts due to or owing by the town, the names of parties to or from whom such debts are due and on what account such expenditures were made; and perform such other duties as may devolve upon him under the ordinances of the town or general law, or may be imposed upon him by the board of trustees.

Sec. 16. Treasurer. The treasurer shall receive all funds belonging to the town and disburse the same only upon warrants signed by the clerk. He shall keep in suitable books a full account of all receipts and disbursements, showing in detail the names of persons to whom moneys are paid and the source of all receipts. He shall give to each person paying money into the treasury, a receipt therefor, specifying the date of payment, and upon what account. At the date of making his semi-annual report, he shall file duplicates of all receipts issued by him during the period covered by such report. On the first Monday of January and July of each year, he shall present to the board of trustees a full report, showing all receipts and disbursements, since the filing of his last report, and shall furnish vouchers for all sums disbursed. He shall perform such other duties as may be imposed upon him by ordinance or by general law.

Sec. 17. Marshal. The marshal is the general peace officer of the town and as such shall have authority to arrest without a warrant any person, who shall in his presence violate or attempt to violate any ordinance of the town. He must attend all regular and special meetings of the board

of trustees; shall have charge of and control over the town hall, or other place of meeting of the board of trustees, and must keep same lighted and heated when necessary. He must preserve order in the town; must arrest and promptly bring before the justice of the peace for trial all persons guilty of a violation of the ordinances. He must take from any person arrested all deadly or dangerous weapons, and deliver the same up to the justice of the peace. He shall take such measures as shall be necessary to secure peace and good order at all public meetings, and do all things necessary to preserve order in the town. He shall provide and cause to be kept a register of arrests, which shall show the date of each arrest, and the offense charged and a description of any property found upon the person arrested.

Sec. 18. Policemen. The board of trustees may appoint such number of policemen as shall, from time to time, be necessary to preserve order in the town. In case of extreme necessity between meetings, the president of the board and the marshal are authorized to temporarily appoint such number of policemen as may be necessary to preserve order on holidays or extraordinary occasions.

Sec. 19. Supervisor of streets. The supervisor of streets shall have general control and supervision over the streets, alleys and avenues of the town, and shall direct the making of all improvements and the performance of all work done thereon. He shall be under the general direction of the board of trustees and perform such other duties as may be imposed upon him by the board. He shall make monthly reports to the board of trustees of all poll tax and other moneys collected by him in his official capacity, and seasonably turn the same over to the treasurer, taking his receipt therefor.

Sec. 20. Health officer. The health officer must be a physician who is a graduate of a regularly chartered medical college. In his official capacity, he shall have power and authority to inspect any and all articles of food or drink brought into the town, or offered for sale therein by any

person. It shall be his duty to at once report to the president or board of trustees the names of any persons violating any of the health ordinances of the town, or of the State of Utah, or of the County of Tooele, and to make complaint before the justice of the peace against such persons. He shall look after the general health of the town and perform such duties in that connection as the board of trustees may impose upon him.

Sec. 21. Justice of the Peace. The justice of the peace shall have and exercise all the powers provided by law for precinct justices of the peace, and shall receive for his services the fees provided by law for precinct justices of the peace. He shall monthly present to the clerk a verified claim for the amount due him for services rendered during the preceding month, and shall at the same time present his receipt, showing that he has paid to the treasurer all funds which have come to his possession by way of fines or otherwise, and which are payable to the town of Ophir. Said claim shall be by the clerk presented to the board of trustees, who shall audit the same, and if found correct, it must be allowed to such justice of the peace.

Sec. 22. Committees. The following standing committees shall be appointed by the president of the board of trustees, each to consist of three trustees: Claims and accounts; fire and water; public health; streets, alleys and bridges; licenses; town property.

Sec. 23. Oaths and bonds. All officers of the town shall, before entering upon their duties, subscribe to the oath required by the Constitution of Utah, and give a bond, as provided by law, in the penal sum as follows:

Treasurer, in a sum equal to taxes for current year.

Clerk \$500.00

Marshal 500.00

All other officers, unless otherwise provided 250.00

Sec. 24. Bonds, approval. The president shall approve

all bonds but his own, which shall be approved by the board of trustees. All official bonds, except that of the clerk, shall be filed with the clerk; the bond of the clerk shall be filed with the treasurer.

Sec. 25. Salaries. Compensation. For all services rendered by them for the town, the officers shall receive the following annual salaries:

President of the board of trustees	\$40.00
Trustees, each	\$40.00
Clerk	\$40.00
Treasurer	\$20.00
Marshal	\$360.00
Supervisor of Streets	—
Health Officer	\$96.00

Sec. 26. Salaries payable quarterly. All salaries shall be paid in equal quarterly installments at the end of March, June, September and December. They shall be paid on a warrant signed by the clerk and drawn upon the treasurer.

CHAPTER FIVE.

Claims and Manner of Payment.

Sec. 27. Claims must be verified. The trustees shall not hear nor consider any claim against the town, nor shall the trustees credit or allow any claims against the town, unless the same are itemized, giving names, dates and particular service rendered, nor until it is passed upon by the clerk. If for materials furnished, to whom, by whom ordered, quantity and the price agreed upon. Every claim against the town must be presented to the clerk within one year after the last item of the account or claim accrued. In all cases claims shall be verified as to their correctness and as to the fact that they are justly due, by the claimant or his authorized agent. If the trustees shall refuse to hear or consider a claim because it is not properly made out, they shall cause notice of the fact to be given to the claimant and shall allow sufficient time for the same to be properly itemized and verified.

Sec. 28. Improper claims rejected. When the trustees find that any claim presented is not payable by the town, or is not a proper town charge, it must be rejected. If it is found to be a proper town charge, but greater in amount than is justly due, the trustees may allow the claim in part and may order a warrant drawn for the portion allowed. If the claimant is unwilling to receive such amount in full payment, the claim may again be considered by the trustees.

Sec. 29. Officers prohibited from presenting certain claims. No town officer shall, except for his own services, present any claim, account or demand for allowance against the town, nor in any way advocate the relief asked in the claim or demand made by any other. Any person may appear before the trustees and oppose the allowance of any claim or demand against the town.

Sec. 30. Warrants must specify nature of claim. Order of presentation. Warrants drawn by order of the town trustees on the town treasury for current expenses during each year, must specify the liability for which they are drawn, when they accrued, and the funds from which they are to be paid, and must be paid in the order of presentation to the treasurer. If the fund is insufficient to pay any warrants, they must be registered, and thereafter paid in the order of registration.

Sec. 31. Clerk must certify that warrant is within debt limit. The clerk shall endorse a certificate on every bond, warrant or other evidence of debt issued in pursuance of law or ordinance by him, that the same is within the lawful debt limit of the town, and is lawfully issued. He shall sign such certificate in his official character.

Sec. 32. Bonded indebtedness. Limit. Warrants for interest on the bonded debt, for salaries and for current expenses of the town may be certified by the clerk to be within the lawful debt limit of the town, whenever the same, to-

gether with all other indebtedness of the town shall not exceed the amount of indebtedness of the town, in addition to the whole amount of taxes and revenue of the town for the year in which such warrant or warrants are issued.

Sec. 33. Findings of trustees protect clerk. Whenever the town trustees shall find or declare that any appropriation or expenditure for which a warrant or warrants are to be issued, was or is for interest upon the bonded debt, such finding or declaration shall conclusively protect the clerk as to such facts in certifying any warrant or warrants therefor to be within the lawful debt of the town.

CHAPTER SIX

Licenses.

Sec. 34. Unlawful to transact certain business without a license. It shall be unlawful for any person, firm or corporation to engage in, or carry on any business, trade or calling, for which a license is required by these ordinances, without first procuring the license herein provided for.

Sec. 35. License fee to be first paid. No license shall be issued to any person, until the amount required therefor shall have been first paid to the town clerk, and by complying with any other provisions of this chapter in reference to licenses.

Sec. 36. Applications. How license issued. Record. All applications for license shall be made in writing to the clerk, and all licenses shall be issued and signed by the clerk, under the seal of the town. The clerk shall keep an alphabetical list of all licenses issued, stating the number, name, place and kind of business, and the amount paid, with such remarks as may be considered necessary.

Sec. 37. What to contain. Every license issued shall specify by name the person to whom it is issued, the character of the business licensed, and shall designate the particular place at which the business is to be carried on; and

if the licensee is a firm or partnership, the name of each member thereof shall be inserted in the license, when practicable.

Sec. 38. Not assignable. Licenses are not assignable nor transferable, nor shall any person other than the original licensee be authorized to do any business of any kind under said license; neither can any business other than that specified in said license be carried on under the same, nor at any other place than that specified in said license, without special permission of the town board.

Sec. 39. Rebate. No rebate shall be allowed upon any license, unless the licensee has been damaged by fire or other unavoidable accident. In such cases the board of trustees shall have discretionary power as to what, if any, amount, not more than one-half, in any case, shall be rebated.

Sec. 40. Period of license. Term. No license, for any of the purposes named in the next succeeding section, shall be granted for a shorter period than three months, and the terms thereof shall be for the quarterly periods beginning with the months of January, April, July and October of each year.

Sec. 41. Amounts to be paid for licenses. When not otherwise specified, the licenses shall be issued for the period of three months, for the following amounts:

(a) **Merchants.** For carrying on the business of buying and selling goods, wares and merchandise, where the stock is valued at \$15,000 or more, \$15.00; when the stock is valued at not less than \$10,000 nor more than \$15,000, \$10.00; where the stock is valued at not less than \$5,000 nor more than \$10,000, \$7.50; where the stock is valued less than \$5,000, \$5.00.

(b) **Confectionery, soft drinks, etc.** For a confectionery parlor, including sale of soft drinks by bottle, where not served at a bar, \$15.00 per quarter.

(c) **Soft drinks.** For sale of soft drinks by bottle or

glass where a bar is maintained, \$15.00 per quarter.

(d) **Butchers.** For engaging in the business of butchering; that is, buying and selling, or cutting and dealing out or otherwise disposing of fresh meats, \$5.00.

(e) **Peddlers.** All persons traveling from house to house within the town of Ophir, selling or offering for sale any articles except fruit, vegetables, poultry, eggs, butter and farm produce only, shall be denominated peddlers, and the amount for a license as such shall be the sum of \$5.00; provided that this shall not be construed as a license to any person, except a retail druggist, to in any manner sell or dispose of patent medicines, proprietary remedies, or drugs of any character.

(f) **Solicitors.** A retail solicitor is a person who solicits or seeks orders for the sale of goods for present or future delivery, and the amount to be paid for a license as such shall be \$5.00 per quarter.

(g) **Livery Stables.** A livery stable is a place where horses, teams, carriages, or other vehicles are kept for hire, and where horses or other animals not belonging to the proprietor, are fed for a consideration. The amount to be paid for such business shall be \$2.50 per quarter.

(h) **Moving Picture Show.** For a moving picture show, \$7.50 per quarter.

(i) **Hotels.** Hotels are places where meals are served, or rooms furnished for the accommodation of guests for hire, and the amount to be paid for a license as such shall be the sum of \$2.50.

(j) **Rooming house.** Rooming houses are places where rooms are rented to guests or regular roomers for hire, and the amount to be paid for a license therefor shall be the sum of \$2.50.

(k) **Amusement hall.** For dancing, music or theatrical hall \$2.50.

(l) **Drug store.** For retail drug store, \$7.50.

(m) **Slot machines.** Any person owning or operating or maintaining any slot machine, containing a slot or other receptacle where coin is placed in exchange for any article of merchandise, shall, before permitting the same to be operated upon his premises, procure a license therefor, and pay for each period of three months the sum of \$2.50. This shall not be construed as a license to own, operate or maintain any machine which is used for the purpose of gambling for either money or property of any kind.

CHAPTER SEVEN.

HEALTH AND QUARANTINE PROVISIONS.

(a) General Provisions.

Sec. 42. Board of health. A board of health is hereby created, consisting of the health officer, the president of the board of trustees, and the members of the committee on public health, of which the health officer shall be chairman. The board may appoint a secretary within or outside of its membership, whose duty shall be to keep an accurate record of all contagious and infectious diseases coming within the knowledge of the board, and the disposition thereof.

Sec. 43. Burial of the dead. It shall be unlawful to bury, remove or otherwise dispose of the body of any deceased person, without first procuring a permit so to do from the health officer. The application for such permit shall be in such form as the board of health may prescribe, and must state the age, color, sex, place of residence and cause of death of such deceased.

Sec. 44. Id. Persons dying of contagious or infectious diseases. The body of any person who has died of either of the diseases of Asiatic cholera, diphtheria (membranous croup), scarlet fever (scarletina), bubonic plague or small pox, shall not remain unburied for a longer period than thirty-six hours after death, unless special permission be granted on satisfactory cause shown. Services held in connec-

tion with the funeral of a person dying of any of the diseases mentioned in this section shall be private, and the attendance shall include only the immediate adult relatives of the deceased, who may not at the time be under absolute quarantine restrictions, and the necessary number of adult pall bearers. Any advertisement of such funeral must state the cause of death.

(b) Quarantine Provisions.

Sec. 54. Certain diseases subject to quarantine. Immediately upon receiving the report of a case of Asiatic cholera, diphtheria (membranous croup), scarlet fever (scarletina), bubonic plague, or small pox, the board of health or health officer shall cause to be securely attached in a conspicuous place on the house wherein such disease occurs, a card or flag having printed on it in large letters the word "Quarantine" and the name of the disease for which quarantine is established; and shall also prohibit entrance or exit to or from such house of any person excepting the attending physician and necessary nurses, without written permission of the board of health or health officer. No person shall remove, mar, deface or destroy such quarantine card or flag which shall remain in place until after the patient has been removed from such house or has recovered and is no longer capable of communicating the disease, and the house and contents thereof have been properly disinfected by the board of health.

Sec. 46. Id. Other diseases to be placarded. It shall be the duty of the board of health or health officer to placard in the same manner as described in Section 45, all cases of measles, whooping cough, cerebro spinal meningitis, mumps, chicken-pox reported, and to maintain and effect such quarantine and disinfection as are provided in these ordinances relating to the said diseases.

Sec. 47. Duty of attending physician. Every physician attending a person affected with any disease mentioned in either of the last two preceding sections, must use every possible precaution to prevent communication of the disease

to others. Every such physician and any other person having knowledge of the existence of such disease, must immediately after learning of the existence of such disease, report the fact to the board of health.

Sec. 48. Period of isolation and quarantine. The isolation and duration of quarantine in contagious diseases shall be as follows:

Asiatic Cholera. For the patient, quarantine until after complete recovery and disinfection of premises. For exposed persons, quarantine for five (5) days from date of last exposure.

Small-pox. For the patient, quarantine for not less twenty-one (21) days after the beginning of the disease and until all crusts or scales have fallen off or been removed and the disinfection of the patient and premises. For exposed persons, quarantine for fourteen (14) days from date of last exposure unless successfully vaccinated and person and clothing disinfected, or protected by a previous attack of the disease and person and clothing disinfected. Provided, that persons who have not been successfully vaccinated previously and who shall submit to vaccination may be released from quarantine after disinfection of person and clothing, when evidence occurs that the said vaccination is successful.

Scarlet fever. For the patient and children associated with or in the family with the patient, quarantine for not less than thirty (30) days after the beginning of the disease, and until complete desquamation or scaling of the skin of the patient. Isolation of the patient and children associated with the patient for ten (10) days after removal of quarantine. Patient shall not be permitted to re-enter school until twenty-one (21) days after quarantine is removed. Other children in the family may be disinfected and removed to another house and shall there be isolated for a period of ten (10) days and then released, provided, they remain free from disease. For adults living in the

family with, or exposed to the patient, while the house remains quarantined, unless said adults submit to thorough disinfection of their clothing and removal from the premises during the time said quarantine is maintained.

Diphtheria. For the patient, quarantine for not less fourteen (14) days after the beginning of the disease. For persons associated with or in the family with the patient, quarantine until after death or recovery of the patient, and disinfection of clothing and premises. Provided, that other children in the family who shall receive an immunizing dose of antitoxin may be released from quarantine at the discretion of the board of health after disinfection of person and clothing. Adult members of the family may be released from quarantine on condition that clothing shall be disinfected by the health officer.

Epidemic cerebro spinal meningitis. For the patient, isolation from the rest of the family. Quarantine of not less than fourteen (14) days after the first appearance of disease, and until the death or recovery of the patient, and the disinfection of the premises. Persons living in a house where the disease is present should not mingle with the general public until the disease has terminated.

Bubonic plague. For the patient, quarantine until recovery or death, and disinfection of premises. For exposed persons, quarantine for eight (8) days from date of last exposure.

Measles. For the patient, isolation and quarantine for not less than fourteen (14) days until peeling or desquamation has ceased. Patient should not be permitted to attend school for five (5) days after quarantine has been removed. For other members of the family, quarantine not required, but children of the household must not attend school or other public gatherings or mingle with other children, unless satisfactory proof shall be furnished to the board of health of their having had the disease, in which event, the board of health may, at its discretion, permit the said child-

ren to attend school and other public gatherings.

Whooping cough. For patient, isolation and quarantine for not less than five (5) weeks from the beginning of the disease and until the "whoop" has entirely ceased. For other members of the family, quarantine not required, but children of the same household must not attend school or other public gatherings for a period of three (3) weeks from the beginning of quarantine.

Chicken-pox. For the patient, and children living in family, quarantine for not less than fourteen (14) days from the beginning of the disease, and until all scales and crusts have disappeared.

Mumps. For the patient, isolation and quarantine until recovery or death. For other members of family, quarantine not required.. It shall be the duty of every physician or other person caring for the sick to immediately make a report of all cases of mumps in his or her charge.

Typhoid fever, pneumonia, tuberculosis and anterior poliomyelitis. No placard required, (unless provided by rules of the board of health to the contrary) but the precautions and recommendations of the State Board of Health contained in the circulars pertaining to said diseases must be strictly enforced.

Sec. 49. When quarantine removed. No quarantine of a contagious disease shall be removed until the attending physician has notified the local board of health that the case has recovered and is no longer liable to communicate the disease, provided that when no physician is in attendance the health officer may remove the same at the expiration of the quarantine period and recovery of the patient.

Sec. 50. Children to be excluded from school. Disinfection. When a case of contagious disease is reported, it shall be the duty of the health officer to ascertain the schools attended by any child or children from the in-

fectured premises, and to serve a written notice upon those in charge of such school, requiring the exclusion of all those residing in the same house in which the person or persons suffering from such disease may be located, until a written permit from the board of health is presented. If any child has attended school while suffering from any of the diseases mentioned in Sec. 48, the board of health must cause the school room where such child or children attended to be thoroughly disinfected.

Sec. 51. Exclusion from public meetings. Any persons suffering from cholera, small-pox, typhus fever, bubonic plague, diphtheria, (membranous croup), scarlet fever (scarletina), measles, whooping cough, mumps, chicken-pox, or cerebro spinal meningitis, nor any person from any house where any other person is suffering from any of said diseases, shall not be admitted into any public, parochial or private school, college or Sunday School, or any public meeting or assemblage, or any public conveyance.

Sec. 52. Parents and guardians must prevent diseased children from going into the premises of others. No parent, guardian or other person having charge or control of any child or children shall allow or permit such child or children to go from any family in which a case of cholera, small-pox, typhus fever, bubonic plague, diphtheria (membranous croup), scarlet fever (scarletina), measles, whooping cough, chicken-pox, or cerebro spinal meningitis has recently occurred, without a permit from the board of health, or its proper officer.

Sec. 53. Disinfection after death or recovery. When a person affected with small-pox, typhus fever, diphtheria (membranous croup), or scarlet fever (scarletina), has recovered and is no longer liable to communicate the disease to others, or has died, the physician shall furnish to the board of health a certificate of such recovery or death, and as soon thereafter as the board deems it advisable, its health officer or other person appointed for the purpose shall thoroughly disinfect the house and contents thereof in which

such person has been ill or has died, which disinfection shall be done in accordance with the rules and regulations adopted by the State Board of Health.

Sec. 54. Sale of milk from quarantined premises prohibited. The sale or use of milk or dairy products from a place where one of the quarantinable diseases exists, or where typhoid fever is present, is strictly forbidden, unless the milk is handled, cans and pails washed and stock cared for by persons entirely segregated from the affected family, and then only upon permission of the health officer.

Sec. 55. Disinfection of excreta from typhoid patients. It shall be the duty of any person affected with typhoid fever to disinfect all excreta excreted by said person during the course of the disease, in accordance with the rules of the State Board of Health, and upon failure to do so, shall be deemed guilty of a misdemeanor.

Sec. 56. Id. Duty of physician. It shall be the duty of the physician in attendance upon all persons affected with typhoid fever, to personally instruct those having charge of same to perform the disinfection described in this chapter, and to satisfy himself that the same is properly carried out, and for failure to do so, he shall be deemed guilty of a misdemeanor.

Sec. 57. Provisions applicable beyond corporate limits. The provisions of the foregoing sections of this sub-head of this chapter relative to quarantine regulations for contagious and infectious diseases, shall be applicable to the territory lying within, and for one mile beyond the corporate limits of Ophir. Every person within the town of Ophir, or within one mile of the corporate limits thereof, who shall violate any of the provisions of this chapter, shall be guilty of a misdemeanor.

Sec. 58. Board of health may adopt regulations. The board of health may adopt such rules and regulations not inconsistent with these ordinances, or with state law, or

with the regulations of the State Board of Health, as it may from time to time deem necessary for the general welfare of the town.

Sec. 59. Penalty. It is hereby made a crime, upon conviction of which a fine of not to exceed fifty dollars or imprisonment in the town jail for a period not to exceed thirty days, shall be imposed upon any person who shall tear down or remove any flag so put up by said physician or health officer as herein provided, or in any manner hinder, interfere with or delay said board in the performance of its duties.

Sec. 60. Same. Every person who shall violate any of the provisions of this chapter, shall, upon conviction thereof, be punished by a fine in any sum less than one hundred dollars, or by imprisonment in the town jail not to exceed three months.

CHAPTER EIGHT.

Food and Drink.

Sec. 61. Sale of unwholesome food prohibited. It shall be unlawful for any person to offer for sale in any private or public market within the town of Ophir, any article of food or drink intended for human consumption, which is not healthy, fresh, sound and wholesome condition, and fit for human food.

Sec. 62. Putrid or unwholesome meat. It shall be unlawful for any person within the town of Ophir to offer for sale any meat, fish or fowl, which is in any way putrid, impure or unwholesome, or which has died by disease or accident.

Sec. 63. Swine fattened on unwholesome food. It shall be unlawful for any person to offer for sale within the town of Ophir, or sell or give away any swine or pork, which has been fattened or fed upon any meat, blood or entrails in a putrid or decayed state or upon any animal dead from

natural causes, or upon any food calculated to engender disease in the flesh of such animal.

Sec. 64. Befouling water. It shall be unlawful for any person within the town of Ophir to suffer or permit to be thrown into any stream, or other water used for culinary purposes, any vegetable, animal or mineral substance whatever, which will in any manner pollute or befoul any such water for culinary purposes.

CHAPTER NINE.

MISDEMEANORS.

Sec. 65. Abusive language. It shall be unlawful for any person to abuse another by using menacing, insulting, slanderous or profane language within the town of Ophir.

Sec. 66. Animals. Cruelty to. It shall be unlawful for any person to torture, cruelly beat, ill treat, maim or disfigure any horse or other animal within the limits of the town of Ophir, whether belonging to himself or to another person.

Sec. 67. Assault and battery. An assault is an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another. A battery is any wilful and unlawful use of force or violence upon the person of another. It shall be unlawful for any person to commit an assault or battery within the town of Ophir.

Sec. 68. Concealed weapons. It shall be unlawful for any person, except a peace officer, without the written consent of a peace officer, to carry concealed any of the following named weapons, to-wit: Slingshot, brass knuckles, revolver, dagger, stiletto, or other concealed weapons.

Sec. 69. Dance house prohibited. It shall be unlawful for any person to keep, maintain, or assist in keeping or maintaining a dance house where lewd or disorderly persons assemble together for dancing.

Sec. 70. Defacing or destroying property prohibited. It shall be unlawful for any person to wilfully injure, deface or destroy property of another, either public or private, or to secrete any goods, chattels or personal property of another, or to prepare any deadfall, or to dig any pit, or to arrange any trap, to injure another's person or property, or to take down, injure or remove any monument, street sign, or any tree marked as a boundary of any tract of land or town lot, or to injure destroy, deface or alter the marks of any monument, or street sign, or to deface, injure or destroy any fence or fountain, or shade or fruit tree, or to deface, injure or destroy any kind of public or private property, or to deface sidewalks or trees located upon any public street or highway or upon public property, with paint or printed handbills, signs, posters or other advertisements.

Sec. 71. Defacing property in cemetery. It shall be unlawful for any person to deface any headboard, tombstone, monument, tree, shrub, or other property in the town cemetery.

Sec. 72. Discharge of explosives. It shall be unlawful to discharge guns or pistols, or explode blasting powder, dynamite, or other explosives, in any street, lot, grounds or alley, or within 700 feet of any public school house or other public building in the town of Ophir, except in self defense, or in the case of an officer in the discharge of his duty.

Sec. 73. Disorderly houses prohibited. It shall be unlawful for any person to keep an ill-governed or disorderly house, or to suffer or permit any drunkenness, quarreling, fighting, unlawful games, or riotous or disorderly conduct whatever on his premises, within the limits of the town of Ophir.

Sec. 74. Disorderly assemblies. It shall be unlawful for any number of persons to congregate in any street, alley, or other public place in the town of Ophir and there indulge in offensive, abusive or disorderly conduct in any manner

calculated to endanger or disturb the peace of any of the citizens of the town.

Sec. 75. Disturbing the peace. It shall be unlawful for any person to maliciously or wilfully disturb the peace or quiet of another or of any neighborhood or family, by loud or unusual noise or by discharging firearms of any description, or by lascivious or offensive conduct, or by threatening, traducing, quarreling, challenging to fight or fighting, or by the use of profane or blasphemous language.

Sec. 76. Disturbance of public meetings. It shall be unlawful for any person to excite disturbance or contention at any public place, public house, court, election, or a public assembly congregated for religious or other lawful purpose, or to make use of any undue noise, or offensive, unbecoming or indecent behavior at any such place, within the limits of the town of Ophir.

Sec. 77. Drunkenness. It shall be unlawful for any person to be drunk, or in an intoxicated condition, in any street, lane, alley or other public place in the town of Ophir.

Sec. 78. Dances, improper. It shall be unlawful for any person in a public dance hall, or in any public place, to dance in, engage or take part in any improper, indecent or obscene dance, such as the dance known as the "Turkey Trot," the "Grizzly Bear," and other dances of like character. It shall be unlawful for any person conducting or having charge of any public dance or dance hall, as owner, lessee or manager, or otherwise, to permit any person to dance any such prohibited dance.

Sec. 79. Dog fighting. It shall be unlawful for any person to incite, instigate, promote, cause or attend any dog fight or cock fight within the town of Ophir.

Sec. 80. Embezzlement. Embezzlement is the fraudulent appropriation of money or property by a person to

whom it was intrusted. It shall be unlawful for any person to be guilty of embezzlement of money or other property of value not exceeding fifty dollars. Upon any prosecution for embezzlement, it is sufficient defense that the property was appropriated openly and avowedly, and under a claim of title preferred in good faith, even though such claim is untenable.

Sec. 81. Expectoration in public places prohibited. It shall be unlawful for any person to expectorate or throw cigar stumps, cigarette stumps, or quids of tobacco on the floor of any public building, or any paved or board sidewalk in the town of Ophir.

Sec. 82. Exhibiting deadly weapon. Every person who, not in necessary self-defense, in the presence of two or more persons, draws or exhibits any deadly weapon in an angry and threatening manner, or who, in any manner, unlawfully uses the same in any fight or quarrel, shall be guilty of a misdemeanor and on conviction thereof, be punished by a fine in any sum less than \$100.00 or by imprisonment in the town jail not to exceed three months.

Sec. 83. Fighting. It shall be unlawful for any person to engage in any fight within the town of Ophir.

Sec. 84. Fowls running at large. It shall be unlawful for any person within the town of Ophir to allow any domestic fowls, such as turkeys, ducks, chickens and geese, to trespass upon the premises of any person other than their owner, between the first day of March and the first day of November, of each year.

Sec. 85. False pretenses. Refreshments. Any person who shall, within the limits of this town, obtain any goods, chattels or other property under false pretenses, or who shall enter into any house, shop or place, and call for refreshments or other article or thing and receive the same and depart without paying or satisfying the owner thereof, shall be guilty of a misdemeanor.

Sec. 86. False representations. Obtaining credit by. It

shall be unlawful for any person, by false representations, in writing, of his own responsibility, wealth, assets or mercantile correspondence and connection, to obtain credit, and thereby defraud any person or persons of money, goods, chattels, or any valuable thing not exceeding in value the sum of fifty dollars; or to cause or procure others to report falsely on his honesty, wealth, assets, mercantile character, or financial standing, and by thus imposing on any person or persons, to obtain credit, and thereby fraudulently come into possession of goods, wares, merchandise, or any valuable thing, and any person so doing, shall, on conviction thereof, be punished by a fine in any sum less than \$100.00, or by imprisonment in the town jail not to exceed three months.

Sec. 87. False pretenses. Obtaining food, etc., by. Any person who shall put up at any hotel, inn, boarding or lodging house, and shall procure any food, entertainment or accommodation therein without paying therefor except where credit is given by express agreement, with intent to cheat or defraud such owner or keeper thereof out of the pay for the same; or who shall, with intent to cheat or defraud such owner out of the pay therefor, obtain credit at any hotel, inn, boarding or lodging house, for such food, entertainment or accommodation, by means of any false show of baggage or effects brought thereto; or who shall, with such intent, abscond, surreptitiously remove, or cause to be removed, any baggage or effects from any hotel, inn, boarding or lodging house, while there is a lien existing thereon for the proper charges due from him for fare, board or lodging furnished therein not exceeding fifty dollars, shall be guilty of a misdemeanor.

Sec. 88. Fraud. Obtaining money, etc., by. Every person who knowingly or designedly, by false and fraudulent representations or pretenses, shall obtain from any other person any choses in action, money, goods, wares, chattels, effects, or other valuable thing, with intent to cheat or defraud any person of the same, if the property so obtained does not exceed \$50.00 in value, is punishable

as in cases of petit larceny.

Sec. 89. Gambling. All gambling and gaming of every kind and description, by playing at cards, dice, faro, roulette, keno, poker, slot machines, devices known as trade machines, paddles, or any like machines or devices by whatever name known, or any contrivance or device by or with which money, merchandise or any thing of value may be staked, bet, hazarded, won or lost, upon chance, or at any other game or scheme of chance whatever, within the town of Ophir, is hereby declared to be unlawful.

Sec. 90. Unlawful to play at, keep or operate, etc. It shall be unlawful for any person to play, stake, wager, or bet any money, property or thing of value at any game, scheme or device by this ordinance prohibited, or to own, conduct, keep or carry on any such game, scheme or device, either as owner, dealer, operator, agent or employee.

Sec. 91. Unlawful to keep or maintain gambling house. It shall be unlawful for any person to knowingly permit or suffer any of the games or schemes herein declared unlawful to be carried on, or kept, maintained or operated in any house, building, room or other place owned by him in whole or in part, or by him let or leased to any other person.

Sec. 92. Unlawful to keep, etc., slot machines, etc. It shall be unlawful for any person to keep or maintain any slot machine, or trade machine, or any like machine or device, for the purpose of suffering or permitting other persons to play at or with same for money or anything of value.

Sec. 93. Penalty. Any person violating any of the provisions of this ordinance pertaining to gambling shall, upon conviction thereof, be punished by a fine in any sum not exceeding one hundred dollars, or by imprisonment in the town jail for a period not longer than three months.

Sec. 94. Horses not hitched. Any person having charge of or being the driver of a team, horse or other ani-

mal, shall while such team, horse or other animal is standing in the street or public place, of this town, stand near the head of the same, or have hold of the lines attached to them, or otherwise secure them to some post, or other substantial place of fastening prepared for that purpose, or by lead or iron weight, weighing not less than twenty-five pounds, attached to them by strap, rope or chain. Any person violating the provisions of this section shall be guilty of a misdemeanor.

Sec. 95. Interfering with officer in discharge of duty prohibited. It shall be unlawful for any person in any way to interfere with, resist, molest or threaten any officer of the town of Ophir, while in the discharge of his official duties.

Sec. 96. Minors, sale of tobacco to. It shall be unlawful for any person to sell, give, or furnish any cigar, cigarette or tobacco in any form, to any person under twenty-one years of age.

Sec. 97. Minors. Id. Purchase, accepting or having in possession. It shall be unlawful for any person under the age of twenty-one years to purchase, accept of or have in his possession any cigar, cigarette or tobacco in any form.

Sec. 98. Obscene literature or conduct. It shall be unlawful for any person:—

1. To have in his possession or to offer for sale, sell, exhibit, pass, give or deliver to another, any obscene, lewd or indecent book, pamphlet, picture, card, print, paper, mould, cast or figure.

2. To circulate or distribute or cause to be circulated or distributed any pamphlets, books or circulars treating of or illustrating any of the diseases of the sexual organs.

3. To appear in a public place, or in any place open to public view, naked or in an indecent or lewd dress.

4. To make any indecent or obscene exposure of his

or her person, or to urinate or stool in any place open to public view.

5. To be guilty of prostitution or any lewd, lascivious, obscene or indecent conduct.

6. To utter or speak any obscene or lewd language.

7. To indecently exhibit any horse, bull or other animal.

8. To exhibit or perform any indecent, immoral or lewd play or other representation.

Sec. 99. Fast driving. It shall be unlawful for any person to drive or race horses in a careless or reckless manner upon any of the streets of the town of Ophir.

Sec. 100. Tearing down ordinances. It shall be unlawful for any person to tear down, or deface any ordinance, bill, notice or advertisement, or other proper paper of a business or legitimate character legally posted up within the town limits of the town of Ophir.

Sec. 101. Petit Larceny. Any person who shall steal, take or carry away any personal property of another, not taken from the person of such other, and not consisting of a horse, mare, colt, gelding, cow, heifer, steer, ox, bull, calf, sheep, mule jack, jenney; or

Who finds lost property under circumstances which give him knowledge of a means of inquiry as to the true owner, and who appropriates such property to his own use, or to the use of another not entitled thereto, without first making reasonable and just efforts to find the owner and restore the property to him, is guilty of petit larceny, and upon conviction thereof, shall be fined in any sum less than \$100.00 or imprisoned for not to exceed three months, or shall be punished by both such fine and imprisonment.

Sec. 102. Prostitutes. It shall be unlawful for any woman to pursue, or advertise in any manner, her vocation as a prostitute, or to be guilty of prostitution.

Sec. 103. Riot. Any use of force or violence, disturb-

ing the public peace, or any threat to use such force or violence by two or more persons acting together and without authority, is a riot. It shall be unlawful for any person to participate in a riot.

Sec. 104. Vagrancy. Every person, except an Indian, without the visible means of living, who has the physical ability to work, and who does not for a period of five days seek employment, nor labor when employment is offered to him; every healthy beggar who solicits alms as a business, every person who roams about from place to place without any lawful business; every idle or dissolute person or associate of known thieves who wanders about the streets at late and unusual hours of the night, or who lodges in any barn, shed, shop, outhouse, or other place other than is kept for lodging purposes without permission of the owner or party entitled to the possession thereof; every lewd and dissolute person who lives in and about houses of ill-fame and every common prostitute and common drunkard is a vagrant. It shall be unlawful for any person to be a vagrant within the limits of the town of Ophir.

Sec. 105. Penalty. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction, where no other punishment is provided, shall be fined in any sum not exceeding \$50.00, or by imprisonment not exceeding thirty days, or both.

CHAPTER TEN.

Intoxicating Liquor.

Sec. 106. It shall be unlawful for any person, firm, association or corporation to manufacture, sell, keep or store for sale, offer or expose for sale, import, carry, transport, advertise, distribute, give away, exchange, barter, dispose of, serve or otherwise furnish, or to knowingly have in his or its possession any intoxicating liquor within the town of Ophir.

Sec. 107. The term "intoxicating liquor," as used in

this ordinance, shall be construed to embrace all fermented, malt, vinous or spiritous liquor, alcohol, wine, porter, ale, beer, absinthe, or any other intoxicating drink, mixture or or preparation of like nature, and all malt or brewed drinks, and all liquid mixtures or preparations, whether ptented or not, which will produce intoxication; fruits preserved in alcoholic liquors of any kind; and all beverages containing in excess of one-half of one per centum of alcohol by volume; and all mixtures, compounds or preparations, whether liquid or not, which are intended when mixed with water or other liquid, to produce by fermentation or otherwise, an intoxicating liquor

Sec. 108. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, be punished by a fine of not less than \$50.00 and not more than \$299.00 or by imprisonment in the town jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

CHAPTER ELEVEN.

BILLIARDS AND POOL.

Sec. 109. Obtain license. No person shall keep or use in any public place in this town, any billiard or pool table or tables, or any pin or ball alley, or nine or ten pin alley or alleys, or the runway or runways thereof, in or on which games are played, without first obtaining a license and paying tax therefor as hereinafter provided.

Sec. 110. Application. All applications for any license herein contemplated, shall be made in writing to the board of trustees, and shall state the time of commencing, the place where to be kept, and the number of tables and runways thereof to be licensed. All billiard and pool tables shall be deemed within the provisions of this ordinance, except such as shall be kept in dwelling houses for owner's recreation, and not for the purpose of letting the same to others to play upon for money, or for anything representing

or in lieu of money; and there shall be levied and collected in advance for every license to keep billiard and pool tables, pin alley, or bowling alleys, as aforesaid:

For each table for three months \$10.00

For each additional table for three months 2.50

For bowling or pin alley, for three months, for
one runway 10.00

For each additional runway for three months 2.50

Sec. 111. Minors prohibited. No person licensed as in this chapter provided, and no one in the employ or acting in the stead of, or in behalf of such person, shall permit any minor, apprentice or employee under the age of twenty-one years, or any person under the influence of intoxicating liquor, to be or remain in his place of business where any such games are played; and it shall be unlawful for any minor, apprentice or employee under the age of twenty-one years, to be or remain in any of said places of business where any of the games herein mentioned are played.

Sec. 112. Disorderly conduct, etc. Every person licensed as in section 111 provided, and every person employed by him, or acting in his stead or behalf, shall prohibit music, boxing, dancing and all disorderly conduct within his place of business.

Sec. 113. Soft drinks prohibited in. It shall be unlawful for any person, either directly or indirectly, or by any device or subterfuge whatever, to sell, barter, give away, or otherwise dispose of any liquor, drink or beverage, such as beerette, "reformed beer," near-beer, lemonade, ginger ale, soda water, cider, coca cola, root beer and all other similar drinks or beverages within any billiard or pool hall, or any bowling alley, or to permit any such liquor or beverages, or any intoxicating liquor, to be drunk in any billiard or pool room, or bowling alley within the corporate limits of the town of Ophir.

Sec. 114. Hours to keep open. It shall be unlawful for any person licensed as in this chapter provided, to keep such place of business open before the hour of eight a. m., nor after eleven o'clock p. m., on any day nor at any time on Sunday.

CHAPTER TWELVE.

NUISANCES.

Sec. 115. A public nuisance. A public nuisance consists in unlawfully doing any act or omitting to perform any duty which act or omission either annoys, injures, or endangers the comfort, repose, health, or safety of three or more persons; or offends public decency, or unlawfully interferes with, obstructs or tends to obstruct or render dangerous for passage, any stream, canal, basin or public park, square, street, or highway; or in any way renders three or more persons insecure in life or the uses of property. Any person who shall be convicted of violating any of the provisions of this section shall be deemed guilty of misdemeanor, and be liable to a fine not exceeding \$100.00, or by imprisonment in the town jail not exceeding thirty days or by both.

Sec. 116. Garbage, etc. No house refuse, offal, garbage, dead animals, decaying vegetable matter, or organic waste substance of any kind, shall be thrown or allowed to remain upon or in any street, road, ditch, gutter, public place, private premises, vacant lot, water course, lake, pond, spring or well.

Sec. 117. Privy vaults, etc. No privy vault, cesspool, or reservoir into which a privy, water closet, stable or sink is drained, shall be established or permitted within fifty feet of any surface well, spring, or other source of water used for drinking or culinary purposes, without written permission from the board of health, based upon the advice of the medical health officer. Whenever, in the opinion of the board of health or health officer, any privy vault or cesspool has become the receptacle of infectious material from a con-

tagious or infectious disease, or has become a menace to health, they shall have the power to order such privy or cesspool disinfected, or filled in and abandoned.

Sec. 118. Slaughter house. Meat market. If any owner or occupant of any slaughter house, market, meat shop, or other place wherein any swine, beeves, sheep, fowls, or other animals are slaughtered, kept, sold, either in said slaughter house or on the premises of said owner or occupant, shall permit the same to remain unclean, to the unnecessary annoyance of the citizens of the town, or any of them or in any state or condition detrimental to the public health, the same shall be deemed a nuisance.

Sec. 119. Unclean drain or garbage receptacle. It shall be unlawful for any person to cause or permit any unclean, stinking, foul, defective or filthy drain, ditch, tank or gutter, or any leaking or broken slop, garbage or manure box, or receptacle of similar character to remain on his premises.

Sec. 120. Refuse. Accumulation. It shall be unlawful for any person to permit vegetables, waste, litter, garbage, filth or refuse of any nature, kind or description, detrimental to health, to accumulate within or upon any private alley, yard or area except when the same is temporarily deposited for removal.

Sec. 121. Accumulation of manure in stable prohibited. It shall be unlawful for any person having charge of any stable, stall, shed, apartment or yard in which any animal shall be kept, or in any place within the limits of the town of Ophir, in which manure or liquid discharges of any animal shall accumulate or collect, to permit such stable, stall, shed, apartment or yard to be kept in unclean or unsanitary condition.

Sec. 122. Dead animals. No person shall drag, lay or leave any dead animal, or any part thereof, anywhere within the corporate limits of this town, unless the same is buried

at least four feet under the surface; and no such animal or part of animal shall be buried within the corporate limits of this town without permission from the board of health.

Sec.123. Id. Removal. It shall be the duty of the owner within six hours after the death of any animal, which shall die or be killed within the town of Ophir, except animals slaughtered for food, to cause such animal to be removed beyond, or buried at such place within the corporate limits as the health officer shall designate.

Sec. 124. Acts and omissions deemed a nuisance. Every act or thing done or made, permitted, allowed or contained, in violation of the preceding sections of this chapter, and every other act which renders soil, air, food or drink impure or unwholesome, shall be deemed a nuisance; and every person, who, as owner, agent or occupant, creates, or assists in the creation, maintenance or continuation thereof, shall be equally guilty and equally liable.

Sec. 125. Notice to abate nuisance. In order to better carry out the provisions of this chapter, the health officer may serve a notice in writing upon the owner, occupant or agent of any lot, building or premises in or upon which any nuisance may be found, or upon him who may be the cause of such nuisance, requiring him to abate the same in such reasonable time to be fixed in the notice; but failure to give notice, as provided herein, shall not relieve the author of any nuisance from the obligation to abate such nuisance, or from the penalty provided for the maintenance thereof.

Sec. 126. Duty and power of the health officer. It shall be the duty of the health officer to ascertain and cause all nuisances declared to be such in this chapter to be abated, and he shall have authority, either by himself or by his agents or deputies, in the day time, to enter any house, stable, store or any building, in order to make a thorough examination of cellars, vaults, sinks, or drains; to enter upon all lots and grounds and cause all stagnant waters to be drained off, and pools, sinks, vaults, drains, holes or low

grounds to be cleaned, filled up or otherwise purified, and to cause all noisome substances to be abated or removed.

Sec. 127. Penalty. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine in any sum less than one hundred dollars, or by imprisonment in the town jail not more than three months, or by both such fine and imprisonment.

CHAPTER THIRTEEN.

Estrays and Trespassing Animals.

Sec. 128. Estrays defined. All horses, asses, mules, and neat cattle found running at large within the corporate limits of Ophir, the owner of which cannot, with reasonable diligence be found, and all hogs running at large elsewhere than upon the premises of their owner, are declared to be estrays within the meaning of this chapter, and may be impounded as such.

Sec. 129. Trespassing animals defined. All animals including domestic fowls, mentioned in this chapter, which shall be found trespassing upon the premises of others than their owners, shall be deemed trespassing animals, and may be impounded as such by the poundkeeper, or may be distrained and delivered to the poundkeeper by any person upon whose premises they trespass or do damage.

Sec. 130. Pound establishment. A pound is hereby established, and it shall be the duty of the board of trustees to designate by resolution a safe and secure place for such pound where all animals seized or taken up in pursuance of this chapter may be impounded. Said pound shall be under the control of the poundkeeper.

Sec. 131. Duty of poundkeeper. It shall be the duty of the poundkeeper to receive and take care of all animals

committed to his charge, and provide all necessary forage therefor, and use due diligence to find the owners of such animals, by examining the records of marks and brands, and otherwise, and notify the owner if found. He shall receive and file all public bills of damage duly presented, and enter the amounts in the pound book, which shall be open to the inspection of the public; he shall not deliver any animal to the owner until all costs and damages are paid.

Sec. 132. Animals received to be registered. The poundkeeper shall register in the pound book all animals delivered to him for commitment, which registration shall set forth when received, from whom, where found, amount of damage done, kind of animal, approximate age, color, marks, brands, and other such descriptions as may aid the owner to identify his animal, a true copy of which the poundkeeper shall forthwith post up on the outside of the entrance of such pound.

Sec. 133. Appraisal of damage. All damage done by any animal trespassing, shall, upon request of the person damaged, be forthwith appraised by some disinterested person, over the age of 21 years, who may make a reasonable charge for such services, and shall set forth in such appraisal, in writing, the time and place of damage, the amount of damages, together with his charges, the name of the owner of the animal, if known, the name of the person so damaged; also the kind and description of said animal; which appraisal, if not paid by the owner, or if the owner be not found, shall, together with the animal, be delivered to the poundkeeper; provided, that if the owner deem the appraisal too high, said owner may choose another appraiser, who, with the first, may make a new appraisal, or when they cannot agree, they two may choose a third, and the three may proceed to make a final appraisal, and said appraisers shall be paid 20 cents per hour and 10 cents per mile one way, by owners of such animals or if animal is sold, shall be deducted from the proceeds thereof.

Sec. 134. Cattle running at large. It shall be unlaw-

ful for any owner of any cattle, horses, mules, sheep, goats or swine to allow the same to run at large upon the highways or commons within the limits of the town of Ophir; and any such animals so found may be taken up by any person and driven to the town pound.

Sec. 135. Rights of private persons. Any animal found doing damage may be taken up by any person, and if the owner cannot be found, or if found, shall refuse to pay all costs and damages occasioned by said animal, it may be taken within 24 hours to the town pound and delivered to the keeper thereof, and may be held and sold as provided in this chapter, unless previously redeemed.

Sec. 136. Detention of animals. It shall be unlawful for any person other than the poundkeeper to take up and retain any animal for more than twenty-four hours, under the provisions of this chapter.

Sec. 137. Retaking animals unlawfully. Any person who shall take any animal out of the possession of any one lawfully holding the same under the provisions of this chapter, either by stealth, force, or fraud, or who shall intercept or hinder any person lawfully taking up or attempting to take up such animals, is guilty of a misdemeanor.

Sec. 138. Sale of impounded animals. All animals remaining unclaimed three days from the time of commitment shall be advertised for sale by the poundkeeper, once, in some newspaper published in the county of Tooele, and having general circulation in the county, and by posting notices in three public and conspicuous places in the town of Ophir, one of which shall be at or near the post office, and shall deliver a copy of the same to the town clerk.

Sec. 139. Redemption. The owner of any animal sold under the provisions of this chapter may at any time within ninety days from the date of such sale redeem such animals from the purchaser, or his assignee, having the same in possession, upon paying to said purchaser or assignee, the

sum for which such animal was originally sold, together with ten per cent additional and a reasonable compensation for the care and keeping of the same, and if no redemption be made within ninety days after the date of such sale, then such sale shall be absolute and shall vest the title of such animals in the purchaser or his assignees.

Sec. 140. Disposition of proceeds of sale. The net proceeds of the sale of all animals made in pursuance of the preceding section shall be paid into the town treasury, subject to the order of the owner of the said animals, if applied for within six months from the date of the sale; if not applied for by the owner within that time, the treasurer shall place the amount to the credit of the general fund of the town.

Sec. 141. The poundkeeper shall be authorized to collect, for his own use, the following fees:

For impounding and registering any of the following animals, per head,

Cattle, horses and mules, 50c.

Calves, sheep, goats and swine, 25c.

For publishing, the actual cost thereof.

For selling said animals as above provided, 10 per cent of the purchase price.

For feeding and caring for animals, a reasonable compensation, the same to be governed by the price of forage and pasturing at the time thereof, all of which fees shall be collected from the owners of said animals, or in case of sale of said animals, said fees shall be deducted from the proceeds of said sale.

Sec. 142. Records. Quarterly reports. Settlement with town. It shall be the duty of the poundkeeper to keep books in which he shall keep an accurate account of all receipts and disbursements and shall make a full and detailed report of his proceedings to the trustees quarterly, stating therein the

number of animals impounded, the number of animals sold, to whom sold, and the amounts received therefor, the amounts received and paid for forage, advertising and sale, and he shall pay over to the town treasurer all funds remaining in his hands belonging to the corporation.

CHAPTER FOURTEEN.

Sec. 143. When Ordinance takes effect. That these revised ordinances, contained in and comprising sections numbered one to one hundred forty three, both inclusive, be published in book form by authority of the board of trustees and that the same shall be in effect on and after the 15th day of November, A. D. 1917.

Passed by the town board of the town of Ophir, Utah, this first day of October, 1917. Members of town board of trustees present and voting in favor of said Ordinance were: A. R. Tilt, P. C. Gillett, Charles Bracken, Geo. St. Clair.

Members voting against said Ordinance: None.

(Seal)

A. R. TILT,
Town Clerk.

GEO. ST. CLAIR,
President of Board.

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